



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re ~~PATENT~~ APPLICATION of SCHMALJOHN AND HOOPER

Appln. No.: 09/491,974

Group Art Unit: 1632

Filed: January 27, 2000

Examiner: J. Voitach

Title: DNA Vaccine Against Hantavirus Infection

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**AMENDMENT**

Hon. Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

Sir:

Responsive to the Office Action dated May 23, 2002 in connection with the above-identified application, please consider the following remarks.

**REMARKS**

Reconsideration and allowance of the subject application are requested.

In the May 23 Office Action, the Examiner indicated that the subject matter of claims 33, 34, 43, 46, 47, 50 and 51 is allowable.

However, claims 28-32, 35-42, 44, 45, 48 and 49 are rejected under 35 U.S.C. §103(a), as obvious over the combination of the following five references: (1) Schmaljohn (Rev. Med. Virol., 4:185-196, 1994); (2) Chu et al., (J. Virol., 69(10):6417-6423, 10/95); (3) Arikawa et al., (Virol, 176:114-125, 1990); (4) Montgomery et al., (Pharmacol. Ther., 74(2):195-205, 1997); and (5) Donnelly et al., (Ann. Rev. Immunol., 15:617-648, 1997). We respectfully disagree with the Examiner for the following reasons.

With regard to the main references, Schmaljohn and Chu, in the paragraph bridging pages 3 and 4 of the Office Action, the Examiner argues that Schmaljohn